

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD IDEN,

Plaintiff,

v.

NURSE STARK,

Defendant.

Case No. 3:22-CV-00121-MMD-CLB

**ORDER GRANTING PLAINTIFF'S
MOTION FOR CLARIFICATION AND
GRANTING DEFENDANT EXTENSION
TO FILE AN ANSWER OR RESPONSE
TO THE COMPLAINT**

[ECF No. 31]

On December 30, 2022, Plaintiff filed a "motion for clarification." (ECF No. 31.) In the motion, Plaintiff requests the Court clarify whether he is required to take any action at this time as he claims he has "not received" any "e-files" in this case since the Court issued its order on November 4, 2022 granting Plaintiff's IFP application, (ECF No. 23), directing Defendants to advise the Court within 21 days whether they would accept service in this case. (ECF No. 31.) The Court **GRANTS** Plaintiff's motion, (ECF No. 31), and provides the following clarification.

At present, it does not appear that Plaintiff is required to take any action in this case. However, there have been several filings entered in this case since the Court's order granting Plaintiff's IFP application. This includes Defendant Nurse Stark's "Notice of Acceptance of Service" filed on November 28, 2022. (ECF No. 27.) Therefore, the Court kindly requests that the Clerk's Office provide Plaintiff copies of ECF Nos. 24 through 30 to ensure that Plaintiff has received copies of all filings docketed in this case after November 4, 2022.

Moreover, although it does not appear that Plaintiff is required to take any action in this case, the Court's review of the docket revealed that Defendant Nurse Stark has failed to comply with the Court's order granting Plaintiff's IFP application. (ECF No. 23). In that order, the Attorney General's Office was directed to notify Plaintiff and the Court within 21 days of that order whether it would accept service on behalf of any defendant.

1 (ECF No. 23 at ¶ 6.) The order also stated that “[i]f the Attorney General accepts service
2 of process for any named defendant(s), such defendant(s) shall file and serve an answer
3 or other response to the complaint (ECF No. 7) within sixty (60) days from the date of the
4 order.” (*Id.* at ¶ 8.) A notice of acceptance of service on behalf of Nurse Stark was filed
5 on November 28, 2022. (ECF No. 27.) Therefore, Nurse Stark was required to file an
6 answer or otherwise respond to Plaintiff’s complaint by Tuesday, January 3, 2023. (ECF
7 No. 23.) To date, Defendant Nurse Stark has not filed an answer or otherwise respond to
8 the complaint.

9 Therefore, the Court will *sua sponte* grant Defendant Nurse Stark an extension of
10 time to **Friday, January 20, 2023** to file an answer or response to the complaint. No
11 further extensions of time will be granted, and the failure to file an answer or otherwise
12 respond to the complaint may result in the entry of a default.

13 Consistent with the above, **IT IS ORDERED** that Plaintiff’s motion for clarification,
14 (ECF No. 31), is **GRANTED**.

15 **IT IS FURTHER ORDERED** that the Clerk’s Office **SEND** to Plaintiff a one-time
16 courtesy copy of ECF Nos. 24 through 30.

17 **IT IS FURTHER ORDERED** that Defendant Nurse Stark shall have until **Friday,**
18 **January 20, 2023** to file an answer or otherwise respond to the complaint.

19 **IT IS SO ORDERED.**

20 **DATED:** January 5, 2023

21
22 
23 **UNITED STATES MAGISTRATE JUDGE**
24
25
26
27
28